

ORDINANCE NO. 14,773 \_\_\_\_\_

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 14,154 passed October 21, 2002, and Ordinance No. 14,450 passed May 23, 2005 by adding a new paragraph (j) to Section 134-1296, to provide standards for public franchise utility cabinets and communication systems located within a front yard.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 14,154 passed October 21, 2002, and Ordinance No. 14,450 passed May 23, 2005 is hereby amended by adding a new paragraph (j) to Section 134-1296, to provide standards for public franchise utility cabinets and communication systems located within a front yard, as follows:

**Sec. 134-1296. Permitted.**

(a) *Scope.* The regulations specified in this chapter shall be subject to the exceptions and interpretations of this section.

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(j) Height restrictions for public franchise utilities and communication systems in front yards.

(1) In any R residential district and C commercial district, or portion of the PUD district of PBP district designated for residential or support commercial uses, but excluding property within the R-HD district or any designated local historic district, the following shall apply:

(a) All public franchise utility and communication system cabinets and boxes, including but not limited to DSL cabinets, cross connect cabinets and power transfer cabinets, if placed in the front yard must be setback a minimum of five feet

(5') from any public sidewalk or right-of-way boundary or lot line; and must comply with all district vision clearance requirements.

- (b) The applicant must demonstrate to the satisfaction of the zoning enforcement officer that the area of the installation is the minimum size necessary to maintain an orderly and functional arrangement.
- (c) In any R residential district no utility cabinet or box or grouping of utility cabinets and boxes in a front yard may be installed within three hundred feet (300') of another utility cabinet or box or grouping of utility cabinets installed in the front yard along the same side of the same street.
- (d) In any C commercial district no utility cabinet or box or grouping of utility cabinets installed in the front yard may be installed within one hundred feet (100') of another utility cabinet or box or grouping installed in the front yard along the same side of the same street.
- (e) No utility cabinet or box installed in the front yard shall exceed seventy (70) inches in any dimension (excluding any required electric meter). An increase above this maximum height shall be allowed only by variance approved by the board of adjustment pursuant to section 134-64(2).
- (f) Any grouping of utility cabinets and boxes on a single property shall be placed in an orderly and sequential manner as approved by the Zoning Enforcement Officer.
- (g) New utility cabinets shall be of neutral colors such as tan, green or silver.
- (h) Any utility meter on a utility cabinet or box shall be screened from public view as approved by the Zoning Enforcement Officer.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Michael F. Kelley, Assistant City Attorney

T.M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 08-1029), passed by the City Council of said City at a meeting held June 9, 2008 signed by the Mayor on June 9, 2008 and published as provided by law in the Business Record on June 23, 2008. Authorized by Publication Order No.6223.

Diane Rauh, City Clerk